

REMARKS

Applicant has carefully reviewed the Application in light of the Final Office Action mailed November 30, 2009. At the time of the Office Action, Claims 1, 3-5, 8, 10-12, 14-16 and 18-23 were pending in the Application and stand rejected. Applicant amends several Independent Claims without prejudice or disclaimer. The amendments to these claims are not the result of any Prior Art reference and, thus, do not narrow the scope of any of the claims. Furthermore, the amendments are not related to patentability issues and only further clarify subject matter already present. All of Applicant's amendments have only been done in order to advance prosecution in this case. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Information Disclosure Statement

Applicant notes that the Examiner has crossed-through the reference described as, "Microsoft Outlook, Outlook, copyright 1995-2000, 2 pages." The Examiner has failed to cite a reason for not considering same. Applicant has included the reference in the corresponding IDS filed herewith and kindly requests the Examiner to verify that the reference has been considered or to cite the reason for nonconsideration.

Section 103 Rejection

The Examiner rejects Claims 1, 3-5, 8, 10-12, 14-16, and 18-23 under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0129140 issued to Peled et al., (hereinafter "*Peled*") in view of U.S. Publication No. 2003/0084326 issued to Tarquini (hereinafter "*Tarquini*"). The Examiner further rejects Claim 6 under 35 U.S.C. §103(a) as being unpatentable over *Peled* in view of *Tarquini* and further in view of U.S. Publication No. 2003/0084300 issued to Koike (hereinafter "*Koike*").

Applicant respectfully reminds the Examiner that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one

of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.¹

It is respectfully submitted that the rejected claims are patentable over the art of record based on at least the third criterion of obviousness: none of the references alone or in combination teach, suggest, or disclose each and every claim limitation of the Independent Claims. For example, with respect to Independent Claim 1, no reference of record provides for *“...reassembling the packets into an intercepted **complete flow**, wherein the intercepted complete flow represents an ordered data stream of a communication between the source and the destination; extracting a reassembled object from the complete flow to determine a content type of the reassembled object; calculating a set of signatures associated with the reassembled object based on the content type....”*

First, as previously asserted in other Responses to Office Actions for the present application, the “buffered batch of packets” in *Peled*, relied upon by the Examiner, cannot be construed to include the reassembly feature as provided in independent Claim 1. In contrast to *Peled*, independent Claim 1 recites reassembling packets into an intercepted complete flow where the intercepted complete flow represents an ordered data stream of a communication between the source and the destination. This limitation from independent Claim 1 is not taught or even suggested by the “buffered batch of packets” and “chunks of data” used in *Peled*.

Second, none of the cited references teach the extraction feature found in independent Claim 1. In Claim 1, a “reassembled object” is extracted from the intercepted complete flow to determine its content type. Furthermore, the calculated set of signatures associated with the reassembled object is based on the content type. None of the references teach extracting a reassembled object from an intercepted complete flow in order to determine a content type such that the appropriate signatures may be calculated and eventually compared to the

¹ See M.P.E.P. §2142-43.

signatures database. These important limitations are found in Claim 1 and are not taught by any of the cited references.

The other pending independent Claims 8, 16, and 22 include limitations similar, but not identical, to these limitations. For at least these reasons, all of the independent Claims are easily allowable over the cited references. Independent Claim 23 has been canceled. Additionally, the corresponding dependent claims, including new dependent claims 24-26, from independent Claims 1, 8, and 16 are also patentably distinct for analogous reasons. Thus, all of the pending claims have been shown to be allowable as they are patentable over the references of record. Notice to this effect is respectfully requested in the form of a full allowance of these claims.

CONCLUSION

Applicant has now made a sincere effort to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

An Information Disclosure Statement is being filed simultaneously herewith. The Request for Continued Examination fee in the amount of \$810 is being paid concurrently herewith via the Electronic Filing System (EFS) by way of Deposit Account No. 50-4889 authorization. No additional fees are believed due. However, please apply any other charges or credit any overpayment to Deposit Account No. 50-4889 of PATENT CAPITAL GROUP, referencing the attorney docket number referenced above.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact Thomas J. Frame at (214) 823-1241.

Respectfully submitted,

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